

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>APOLLO METALS, LTD,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>NO. 06-5245</b>
	:	
<b>ELECTROPLATING</b>	:	
<b>TECHNOLOGIES, LTD,</b>	:	
<b>Defendant</b>	:	

**ORDER**

**AND NOW**, this 23rd day of November, 2009, upon consideration of the defendant's motion to dismiss and compel arbitration (Document #45), the plaintiff's response thereto (Document #50), the defendant's reply brief (Document #53), and the plaintiff's sur-reply (Document #56), it is hereby ORDERED that the motion is GRANTED in its entirety.

IT IS FURTHER ORDERED that:

- (1) All claims and counterclaims are hereby dismissed with prejudice.
- (2) The parties shall initiate binding arbitration of Counts I and II of the complaint, and Count XIII of the second amended counterclaim.
- (3) This court shall retain jurisdiction over this action for the following purposes: (a) to assist the parties in selecting an arbitrator, if necessary; and (b) for an entry of judgment upon completion of the arbitration proceedings.
- (4) The Clerk of Court is directed to mark this case CLOSED for statistical purposes and to place this case in SUSPENSE pending the arbitration proceedings.

BY THE COURT:

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.